



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2404

by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-7	from Ch. 37, par. 801-7
705 ILCS 405/1-8	from Ch. 37, par. 801-8
705 ILCS 405/5-105	
705 ILCS 405/5-120	
705 ILCS 405/5-905	
705 ILCS 405/5-915	

Amends the Juvenile Court Act of 1987. Changes the definition of delinquent minor to include a person who was under 18 (rather than 17) years of age when he or she committed an offense classified as a felony. Also changes the age concerning confidentiality of juvenile records. Provides that the restrictions apply to persons taken into custody before their 18th (rather than 17th) birthday. Makes corresponding change in the expungement provisions of the Act. Provides that the amendatory changes are prospective.

LRB098 07733 RLC 37811 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-7, 1-8, 5-105, 5-120, 5-905, and 5-915 as
6 follows:

7 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

8 Sec. 1-7. Confidentiality of law enforcement records.

9 (A) Inspection and copying of law enforcement records
10 maintained by law enforcement agencies that relate to a minor
11 who has been arrested or taken into custody before his or her
12 18th ~~17th~~ birthday shall be restricted to the following:

13 (1) Any local, State or federal law enforcement
14 officers of any jurisdiction or agency when necessary for
15 the discharge of their official duties during the
16 investigation or prosecution of a crime or relating to a
17 minor who has been adjudicated delinquent and there has
18 been a previous finding that the act which constitutes the
19 previous offense was committed in furtherance of criminal
20 activities by a criminal street gang, or, when necessary
21 for the discharge of its official duties in connection with
22 a particular investigation of the conduct of a law
23 enforcement officer, an independent agency or its staff

1 created by ordinance and charged by a unit of local
2 government with the duty of investigating the conduct of
3 law enforcement officers. For purposes of this Section,
4 "criminal street gang" has the meaning ascribed to it in
5 Section 10 of the Illinois Streetgang Terrorism Omnibus
6 Prevention Act.

7 (2) Prosecutors, probation officers, social workers,
8 or other individuals assigned by the court to conduct a
9 pre-adjudication or pre-disposition investigation, and
10 individuals responsible for supervising or providing
11 temporary or permanent care and custody for minors pursuant
12 to the order of the juvenile court, when essential to
13 performing their responsibilities.

14 (3) Prosecutors and probation officers:

15 (a) in the course of a trial when institution of
16 criminal proceedings has been permitted or required
17 under Section 5-805; or

18 (b) when institution of criminal proceedings has
19 been permitted or required under Section 5-805 and such
20 minor is the subject of a proceeding to determine the
21 amount of bail; or

22 (c) when criminal proceedings have been permitted
23 or required under Section 5-805 and such minor is the
24 subject of a pre-trial investigation, pre-sentence
25 investigation, fitness hearing, or proceedings on an
26 application for probation.

1 (4) Adult and Juvenile Prisoner Review Board.

2 (5) Authorized military personnel.

3 (6) Persons engaged in bona fide research, with the
4 permission of the Presiding Judge of the Juvenile Court and
5 the chief executive of the respective law enforcement
6 agency; provided that publication of such research results
7 in no disclosure of a minor's identity and protects the
8 confidentiality of the minor's record.

9 (7) Department of Children and Family Services child
10 protection investigators acting in their official
11 capacity.

12 (8) The appropriate school official only if the agency
13 or officer believes that there is an imminent threat of
14 physical harm to students, school personnel, or others who
15 are present in the school or on school grounds.

16 (A) Inspection and copying shall be limited to law
17 enforcement records transmitted to the appropriate
18 school official or officials whom the school has
19 determined to have a legitimate educational or safety
20 interest by a local law enforcement agency under a
21 reciprocal reporting system established and maintained
22 between the school district and the local law
23 enforcement agency under Section 10-20.14 of the
24 School Code concerning a minor enrolled in a school
25 within the school district who has been arrested or
26 taken into custody for any of the following offenses:

1 (i) any violation of Article 24 of the Criminal
2 Code of 1961 or the Criminal Code of 2012;

3 (ii) a violation of the Illinois Controlled
4 Substances Act;

5 (iii) a violation of the Cannabis Control Act;

6 (iv) a forcible felony as defined in Section 2-8 of
7 the Criminal Code of 1961 or the Criminal Code of 2012;

8 (v) a violation of the Methamphetamine Control and
9 Community Protection Act;

10 (vi) a violation of Section 1-2 of the Harassing
11 and Obscene Communications Act;

12 (vii) a violation of the Hazing Act; or

13 (viii) a violation of Section 12-1, 12-2, 12-3,
14 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3,
15 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of
16 1961 or the Criminal Code of 2012.

17 The information derived from the law enforcement
18 records shall be kept separate from and shall not
19 become a part of the official school record of that
20 child and shall not be a public record. The information
21 shall be used solely by the appropriate school official
22 or officials whom the school has determined to have a
23 legitimate educational or safety interest to aid in the
24 proper rehabilitation of the child and to protect the
25 safety of students and employees in the school. If the
26 designated law enforcement and school officials deem

1 it to be in the best interest of the minor, the student
2 may be referred to in-school or community based social
3 services if those services are available.
4 "Rehabilitation services" may include interventions by
5 school support personnel, evaluation for eligibility
6 for special education, referrals to community-based
7 agencies such as youth services, behavioral healthcare
8 service providers, drug and alcohol prevention or
9 treatment programs, and other interventions as deemed
10 appropriate for the student.

11 (B) Any information provided to appropriate school
12 officials whom the school has determined to have a
13 legitimate educational or safety interest by local law
14 enforcement officials about a minor who is the subject
15 of a current police investigation that is directly
16 related to school safety shall consist of oral
17 information only, and not written law enforcement
18 records, and shall be used solely by the appropriate
19 school official or officials to protect the safety of
20 students and employees in the school and aid in the
21 proper rehabilitation of the child. The information
22 derived orally from the local law enforcement
23 officials shall be kept separate from and shall not
24 become a part of the official school record of the
25 child and shall not be a public record. This limitation
26 on the use of information about a minor who is the

1 subject of a current police investigation shall in no
2 way limit the use of this information by prosecutors in
3 pursuing criminal charges arising out of the
4 information disclosed during a police investigation of
5 the minor. For purposes of this paragraph,
6 "investigation" means an official systematic inquiry
7 by a law enforcement agency into actual or suspected
8 criminal activity.

9 (9) Mental health professionals on behalf of the
10 Illinois Department of Corrections or the Department of
11 Human Services or prosecutors who are evaluating,
12 prosecuting, or investigating a potential or actual
13 petition brought under the Sexually Violent Persons
14 Commitment Act relating to a person who is the subject of
15 juvenile law enforcement records or the respondent to a
16 petition brought under the Sexually Violent Persons
17 Commitment Act who is the subject of the juvenile law
18 enforcement records sought. Any records and any
19 information obtained from those records under this
20 paragraph (9) may be used only in sexually violent persons
21 commitment proceedings.

22 (10) The president of a park district. Inspection and
23 copying shall be limited to law enforcement records
24 transmitted to the president of the park district by the
25 Illinois State Police under Section 8-23 of the Park
26 District Code or Section 16a-5 of the Chicago Park District

1 Act concerning a person who is seeking employment with that
2 park district and who has been adjudicated a juvenile
3 delinquent for any of the offenses listed in subsection (c)
4 of Section 8-23 of the Park District Code or subsection (c)
5 of Section 16a-5 of the Chicago Park District Act.

6 (B) (1) Except as provided in paragraph (2), no law
7 enforcement officer or other person or agency may knowingly
8 transmit to the Department of Corrections or the Department
9 of State Police or to the Federal Bureau of Investigation
10 any fingerprint or photograph relating to a minor who has
11 been arrested or taken into custody before his or her 18th
12 ~~17th~~ birthday, unless the court in proceedings under this
13 Act authorizes the transmission or enters an order under
14 Section 5-805 permitting or requiring the institution of
15 criminal proceedings.

16 (2) Law enforcement officers or other persons or
17 agencies shall transmit to the Department of State Police
18 copies of fingerprints and descriptions of all minors who
19 have been arrested or taken into custody before their 18th
20 ~~17th~~ birthday for the offense of unlawful use of weapons
21 under Article 24 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, a Class X or Class 1 felony, a
23 forcible felony as defined in Section 2-8 of the Criminal
24 Code of 1961 or the Criminal Code of 2012, or a Class 2 or
25 greater felony under the Cannabis Control Act, the Illinois
26 Controlled Substances Act, the Methamphetamine Control and

1 Community Protection Act, or Chapter 4 of the Illinois
2 Vehicle Code, pursuant to Section 5 of the Criminal
3 Identification Act. Information reported to the Department
4 pursuant to this Section may be maintained with records
5 that the Department files pursuant to Section 2.1 of the
6 Criminal Identification Act. Nothing in this Act prohibits
7 a law enforcement agency from fingerprinting a minor taken
8 into custody or arrested before his or her 18th ~~17th~~
9 birthday for an offense other than those listed in this
10 paragraph (2).

11 (C) The records of law enforcement officers, or of an
12 independent agency created by ordinance and charged by a unit
13 of local government with the duty of investigating the conduct
14 of law enforcement officers, concerning all minors under 18 ~~17~~
15 years of age must be maintained separate from the records of
16 arrests and may not be open to public inspection or their
17 contents disclosed to the public except by order of the court
18 presiding over matters pursuant to this Act or when the
19 institution of criminal proceedings has been permitted or
20 required under Section 5-805 or such a person has been
21 convicted of a crime and is the subject of pre-sentence
22 investigation or proceedings on an application for probation or
23 when provided by law. For purposes of obtaining documents
24 pursuant to this Section, a civil subpoena is not an order of
25 the court.

26 (1) In cases where the law enforcement, or independent

1 agency, records concern a pending juvenile court case, the
2 party seeking to inspect the records shall provide actual
3 notice to the attorney or guardian ad litem of the minor
4 whose records are sought.

5 (2) In cases where the records concern a juvenile court
6 case that is no longer pending, the party seeking to
7 inspect the records shall provide actual notice to the
8 minor or the minor's parent or legal guardian, and the
9 matter shall be referred to the chief judge presiding over
10 matters pursuant to this Act.

11 (3) In determining whether the records should be
12 available for inspection, the court shall consider the
13 minor's interest in confidentiality and rehabilitation
14 over the moving party's interest in obtaining the
15 information. Any records obtained in violation of this
16 subsection (C) shall not be admissible in any criminal or
17 civil proceeding, or operate to disqualify a minor from
18 subsequently holding public office or securing employment,
19 or operate as a forfeiture of any public benefit, right,
20 privilege, or right to receive any license granted by
21 public authority.

22 (D) Nothing contained in subsection (C) of this Section
23 shall prohibit the inspection or disclosure to victims and
24 witnesses of photographs contained in the records of law
25 enforcement agencies when the inspection and disclosure is
26 conducted in the presence of a law enforcement officer for the

1 purpose of the identification or apprehension of any person
2 subject to the provisions of this Act or for the investigation
3 or prosecution of any crime.

4 (E) Law enforcement officers, and personnel of an
5 independent agency created by ordinance and charged by a unit
6 of local government with the duty of investigating the conduct
7 of law enforcement officers, may not disclose the identity of
8 any minor in releasing information to the general public as to
9 the arrest, investigation or disposition of any case involving
10 a minor.

11 (F) Nothing contained in this Section shall prohibit law
12 enforcement agencies from communicating with each other by
13 letter, memorandum, teletype or intelligence alert bulletin or
14 other means the identity or other relevant information
15 pertaining to a person under 18 ~~17~~ years of age if there are
16 reasonable grounds to believe that the person poses a real and
17 present danger to the safety of the public or law enforcement
18 officers. The information provided under this subsection (F)
19 shall remain confidential and shall not be publicly disclosed,
20 except as otherwise allowed by law.

21 (G) Nothing in this Section shall prohibit the right of a
22 Civil Service Commission or appointing authority of any state,
23 county or municipality examining the character and fitness of
24 an applicant for employment with a law enforcement agency,
25 correctional institution, or fire department from obtaining
26 and examining the records of any law enforcement agency

1 relating to any record of the applicant having been arrested or
2 taken into custody before the applicant's 18th ~~17th~~ birthday.

3 The changes made to this Section by this amendatory Act of
4 the 98th General Assembly apply to law enforcement records of a
5 minor who has been arrested or taken into custody on or after
6 the effective date of this amendatory Act.

7 (Source: P.A. 96-419, eff. 8-13-09; 97-700, eff. 6-22-12;
8 97-1083, eff. 8-24-12; 97-1104, eff. 1-1-13; 97-1150, eff.
9 1-25-13.)

10 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

11 Sec. 1-8. Confidentiality and accessibility of juvenile
12 court records.

13 (A) Inspection and copying of juvenile court records
14 relating to a minor who is the subject of a proceeding under
15 this Act shall be restricted to the following:

16 (1) The minor who is the subject of record, his
17 parents, guardian and counsel.

18 (2) Law enforcement officers and law enforcement
19 agencies when such information is essential to executing an
20 arrest or search warrant or other compulsory process, or to
21 conducting an ongoing investigation or relating to a minor
22 who has been adjudicated delinquent and there has been a
23 previous finding that the act which constitutes the
24 previous offense was committed in furtherance of criminal
25 activities by a criminal street gang.

1 Before July 1, 1994, for the purposes of this Section,
2 "criminal street gang" means any ongoing organization,
3 association, or group of 3 or more persons, whether formal
4 or informal, having as one of its primary activities the
5 commission of one or more criminal acts and that has a
6 common name or common identifying sign, symbol or specific
7 color apparel displayed, and whose members individually or
8 collectively engage in or have engaged in a pattern of
9 criminal activity.

10 Beginning July 1, 1994, for purposes of this Section,
11 "criminal street gang" has the meaning ascribed to it in
12 Section 10 of the Illinois Streetgang Terrorism Omnibus
13 Prevention Act.

14 (3) Judges, hearing officers, prosecutors, probation
15 officers, social workers or other individuals assigned by
16 the court to conduct a pre-adjudication or predisposition
17 investigation, and individuals responsible for supervising
18 or providing temporary or permanent care and custody for
19 minors pursuant to the order of the juvenile court when
20 essential to performing their responsibilities.

21 (4) Judges, prosecutors and probation officers:

22 (a) in the course of a trial when institution of
23 criminal proceedings has been permitted or required
24 under Section 5-805; or

25 (b) when criminal proceedings have been permitted
26 or required under Section 5-805 and a minor is the

1 subject of a proceeding to determine the amount of
2 bail; or

3 (c) when criminal proceedings have been permitted
4 or required under Section 5-805 and a minor is the
5 subject of a pre-trial investigation, pre-sentence
6 investigation or fitness hearing, or proceedings on an
7 application for probation; or

8 (d) when a minor becomes 18 ~~17~~ years of age or
9 older, and is the subject of criminal proceedings,
10 including a hearing to determine the amount of bail, a
11 pre-trial investigation, a pre-sentence investigation,
12 a fitness hearing, or proceedings on an application for
13 probation.

14 (5) Adult and Juvenile Prisoner Review Boards.

15 (6) Authorized military personnel.

16 (7) Victims, their subrogees and legal
17 representatives; however, such persons shall have access
18 only to the name and address of the minor and information
19 pertaining to the disposition or alternative adjustment
20 plan of the juvenile court.

21 (8) Persons engaged in bona fide research, with the
22 permission of the presiding judge of the juvenile court and
23 the chief executive of the agency that prepared the
24 particular records; provided that publication of such
25 research results in no disclosure of a minor's identity and
26 protects the confidentiality of the record.

1 (9) The Secretary of State to whom the Clerk of the
2 Court shall report the disposition of all cases, as
3 required in Section 6-204 of the Illinois Vehicle Code.
4 However, information reported relative to these offenses
5 shall be privileged and available only to the Secretary of
6 State, courts, and police officers.

7 (10) The administrator of a bonafide substance abuse
8 student assistance program with the permission of the
9 presiding judge of the juvenile court.

10 (11) Mental health professionals on behalf of the
11 Illinois Department of Corrections or the Department of
12 Human Services or prosecutors who are evaluating,
13 prosecuting, or investigating a potential or actual
14 petition brought under the Sexually Violent Persons
15 Commitment Act relating to a person who is the subject of
16 juvenile court records or the respondent to a petition
17 brought under the Sexually Violent Persons Commitment Act,
18 who is the subject of juvenile court records sought. Any
19 records and any information obtained from those records
20 under this paragraph (11) may be used only in sexually
21 violent persons commitment proceedings.

22 (A-1) Findings and exclusions of paternity entered in
23 proceedings occurring under Article II of this Act shall be
24 disclosed, in a manner and form approved by the Presiding Judge
25 of the Juvenile Court, to the Department of Healthcare and
26 Family Services when necessary to discharge the duties of the

1 Department of Healthcare and Family Services under Article X of
2 the Illinois Public Aid Code.

3 (B) A minor who is the victim in a juvenile proceeding
4 shall be provided the same confidentiality regarding
5 disclosure of identity as the minor who is the subject of
6 record.

7 (C) Except as otherwise provided in this subsection (C),
8 juvenile court records shall not be made available to the
9 general public but may be inspected by representatives of
10 agencies, associations and news media or other properly
11 interested persons by general or special order of the court
12 presiding over matters pursuant to this Act.

13 (0.1) In cases where the records concern a pending
14 juvenile court case, the party seeking to inspect the
15 juvenile court records shall provide actual notice to the
16 attorney or guardian ad litem of the minor whose records
17 are sought.

18 (0.2) In cases where the records concern a juvenile
19 court case that is no longer pending, the party seeking to
20 inspect the juvenile court records shall provide actual
21 notice to the minor or the minor's parent or legal
22 guardian, and the matter shall be referred to the chief
23 judge presiding over matters pursuant to this Act.

24 (0.3) In determining whether the records should be
25 available for inspection, the court shall consider the
26 minor's interest in confidentiality and rehabilitation

1 over the moving party's interest in obtaining the
2 information. The State's Attorney, the minor, and the
3 minor's parents, guardian, and counsel shall at all times
4 have the right to examine court files and records. For
5 purposes of obtaining documents pursuant to this Section, a
6 civil subpoena is not an order of the court.

7 (0.4) Any records obtained in violation of this
8 subsection (C) shall not be admissible in any criminal or
9 civil proceeding, or operate to disqualify a minor from
10 subsequently holding public office, or operate as a
11 forfeiture of any public benefit, right, privilege, or
12 right to receive any license granted by public authority.

13 (1) The court shall allow the general public to have
14 access to the name, address, and offense of a minor who is
15 adjudicated a delinquent minor under this Act under either
16 of the following circumstances:

17 (A) The adjudication of delinquency was based upon
18 the minor's commission of first degree murder, attempt
19 to commit first degree murder, aggravated criminal
20 sexual assault, or criminal sexual assault; or

21 (B) The court has made a finding that the minor was
22 at least 13 years of age at the time the act was
23 committed and the adjudication of delinquency was
24 based upon the minor's commission of: (i) an act in
25 furtherance of the commission of a felony as a member
26 of or on behalf of a criminal street gang, (ii) an act

1 involving the use of a firearm in the commission of a
2 felony, (iii) an act that would be a Class X felony
3 offense under or the minor's second or subsequent Class
4 2 or greater felony offense under the Cannabis Control
5 Act if committed by an adult, (iv) an act that would be
6 a second or subsequent offense under Section 402 of the
7 Illinois Controlled Substances Act if committed by an
8 adult, (v) an act that would be an offense under
9 Section 401 of the Illinois Controlled Substances Act
10 if committed by an adult, (vi) an act that would be a
11 second or subsequent offense under Section 60 of the
12 Methamphetamine Control and Community Protection Act,
13 or (vii) an act that would be an offense under another
14 Section of the Methamphetamine Control and Community
15 Protection Act.

16 (2) The court shall allow the general public to have
17 access to the name, address, and offense of a minor who is
18 at least 13 years of age at the time the offense is
19 committed and who is convicted, in criminal proceedings
20 permitted or required under Section 5-4, under either of
21 the following circumstances:

22 (A) The minor has been convicted of first degree
23 murder, attempt to commit first degree murder,
24 aggravated criminal sexual assault, or criminal sexual
25 assault,

26 (B) The court has made a finding that the minor was

1 at least 13 years of age at the time the offense was
2 committed and the conviction was based upon the minor's
3 commission of: (i) an offense in furtherance of the
4 commission of a felony as a member of or on behalf of a
5 criminal street gang, (ii) an offense involving the use
6 of a firearm in the commission of a felony, (iii) a
7 Class X felony offense under or a second or subsequent
8 Class 2 or greater felony offense under the Cannabis
9 Control Act, (iv) a second or subsequent offense under
10 Section 402 of the Illinois Controlled Substances Act,
11 (v) an offense under Section 401 of the Illinois
12 Controlled Substances Act, (vi) an act that would be a
13 second or subsequent offense under Section 60 of the
14 Methamphetamine Control and Community Protection Act,
15 or (vii) an act that would be an offense under another
16 Section of the Methamphetamine Control and Community
17 Protection Act.

18 (D) Pending or following any adjudication of delinquency
19 for any offense defined in Sections 11-1.20 through 11-1.60 or
20 12-13 through 12-16 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, the victim of any such offense shall
22 receive the rights set out in Sections 4 and 6 of the Bill of
23 Rights for Victims and Witnesses of Violent Crime Act; and the
24 juvenile who is the subject of the adjudication,
25 notwithstanding any other provision of this Act, shall be
26 treated as an adult for the purpose of affording such rights to

1 the victim.

2 (E) Nothing in this Section shall affect the right of a
3 Civil Service Commission or appointing authority of any state,
4 county or municipality examining the character and fitness of
5 an applicant for employment with a law enforcement agency,
6 correctional institution, or fire department to ascertain
7 whether that applicant was ever adjudicated to be a delinquent
8 minor and, if so, to examine the records of disposition or
9 evidence which were made in proceedings under this Act.

10 (F) Following any adjudication of delinquency for a crime
11 which would be a felony if committed by an adult, or following
12 any adjudication of delinquency for a violation of Section
13 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, the State's Attorney shall ascertain
15 whether the minor respondent is enrolled in school and, if so,
16 shall provide a copy of the dispositional order to the
17 principal or chief administrative officer of the school. Access
18 to such juvenile records shall be limited to the principal or
19 chief administrative officer of the school and any guidance
20 counselor designated by him.

21 (G) Nothing contained in this Act prevents the sharing or
22 disclosure of information or records relating or pertaining to
23 juveniles subject to the provisions of the Serious Habitual
24 Offender Comprehensive Action Program when that information is
25 used to assist in the early identification and treatment of
26 habitual juvenile offenders.

1 (H) When a Court hearing a proceeding under Article II of
2 this Act becomes aware that an earlier proceeding under Article
3 II had been heard in a different county, that Court shall
4 request, and the Court in which the earlier proceedings were
5 initiated shall transmit, an authenticated copy of the Court
6 record, including all documents, petitions, and orders filed
7 therein and the minute orders, transcript of proceedings, and
8 docket entries of the Court.

9 (I) The Clerk of the Circuit Court shall report to the
10 Department of State Police, in the form and manner required by
11 the Department of State Police, the final disposition of each
12 minor who has been arrested or taken into custody before his or
13 her 18th ~~17th~~ birthday for those offenses required to be
14 reported under Section 5 of the Criminal Identification Act.
15 Information reported to the Department under this Section may
16 be maintained with records that the Department files under
17 Section 2.1 of the Criminal Identification Act.

18 The changes made to this Section by this amendatory Act of
19 the 98th General Assembly apply to law enforcement records of a
20 minor who has been arrested or taken into custody on or after
21 the effective date of this amendatory Act.

22 (Source: P.A. 96-212, eff. 8-10-09; 96-1551, eff. 7-1-11;
23 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)

24 (705 ILCS 405/5-105)

25 Sec. 5-105. Definitions. As used in this Article:

1 (1) "Court" means the circuit court in a session or
2 division assigned to hear proceedings under this Act, and
3 includes the term Juvenile Court.

4 (2) "Community service" means uncompensated labor for a
5 community service agency as hereinafter defined.

6 (2.5) "Community service agency" means a not-for-profit
7 organization, community organization, church, charitable
8 organization, individual, public office, or other public body
9 whose purpose is to enhance the physical or mental health of a
10 delinquent minor or to rehabilitate the minor, or to improve
11 the environmental quality or social welfare of the community
12 which agrees to accept community service from juvenile
13 delinquents and to report on the progress of the community
14 service to the State's Attorney pursuant to an agreement or to
15 the court or to any agency designated by the court or to the
16 authorized diversion program that has referred the delinquent
17 minor for community service.

18 (3) "Delinquent minor" means any minor who ~~prior to his or~~
19 ~~her 17th birthday has violated or attempted to violate,~~
20 ~~regardless of where the act occurred, any federal or State law,~~
21 ~~county or municipal ordinance, and any minor who~~ prior to his
22 or her 18th birthday has violated or attempted to violate,
23 regardless of where the act occurred, any federal, State,
24 county or municipal law or ordinance ~~classified as a~~
25 ~~misdemeanor offense.~~

26 (4) "Department" means the Department of Human Services

1 unless specifically referenced as another department.

2 (5) "Detention" means the temporary care of a minor who is
3 alleged to be or has been adjudicated delinquent and who
4 requires secure custody for the minor's own protection or the
5 community's protection in a facility designed to physically
6 restrict the minor's movements, pending disposition by the
7 court or execution of an order of the court for placement or
8 commitment. Design features that physically restrict movement
9 include, but are not limited to, locked rooms and the secure
10 handcuffing of a minor to a rail or other stationary object. In
11 addition, "detention" includes the court ordered care of an
12 alleged or adjudicated delinquent minor who requires secure
13 custody pursuant to Section 5-125 of this Act.

14 (6) "Diversion" means the referral of a juvenile, without
15 court intervention, into a program that provides services
16 designed to educate the juvenile and develop a productive and
17 responsible approach to living in the community.

18 (7) "Juvenile detention home" means a public facility with
19 specially trained staff that conforms to the county juvenile
20 detention standards promulgated by the Department of
21 Corrections.

22 (8) "Juvenile justice continuum" means a set of delinquency
23 prevention programs and services designed for the purpose of
24 preventing or reducing delinquent acts, including criminal
25 activity by youth gangs, as well as intervention,
26 rehabilitation, and prevention services targeted at minors who

1 have committed delinquent acts, and minors who have previously
2 been committed to residential treatment programs for
3 delinquents. The term includes children-in-need-of-services
4 and families-in-need-of-services programs; aftercare and
5 reentry services; substance abuse and mental health programs;
6 community service programs; community service work programs;
7 and alternative-dispute resolution programs serving
8 youth-at-risk of delinquency and their families, whether
9 offered or delivered by State or local governmental entities,
10 public or private for-profit or not-for-profit organizations,
11 or religious or charitable organizations. This term would also
12 encompass any program or service consistent with the purpose of
13 those programs and services enumerated in this subsection.

14 (9) "Juvenile police officer" means a sworn police officer
15 who has completed a Basic Recruit Training Course, has been
16 assigned to the position of juvenile police officer by his or
17 her chief law enforcement officer and has completed the
18 necessary juvenile officers training as prescribed by the
19 Illinois Law Enforcement Training Standards Board, or in the
20 case of a State police officer, juvenile officer training
21 approved by the Director of State Police.

22 (10) "Minor" means a person under the age of 21 years
23 subject to this Act.

24 (11) "Non-secure custody" means confinement where the
25 minor is not physically restricted by being placed in a locked
26 cell or room, by being handcuffed to a rail or other stationary

1 object, or by other means. Non-secure custody may include, but
2 is not limited to, electronic monitoring, foster home
3 placement, home confinement, group home placement, or physical
4 restriction of movement or activity solely through facility
5 staff.

6 (12) "Public or community service" means uncompensated
7 labor for a not-for-profit organization or public body whose
8 purpose is to enhance physical or mental stability of the
9 offender, environmental quality or the social welfare and which
10 agrees to accept public or community service from offenders and
11 to report on the progress of the offender and the public or
12 community service to the court or to the authorized diversion
13 program that has referred the offender for public or community
14 service.

15 (13) "Sentencing hearing" means a hearing to determine
16 whether a minor should be adjudged a ward of the court, and to
17 determine what sentence should be imposed on the minor. It is
18 the intent of the General Assembly that the term "sentencing
19 hearing" replace the term "dispositional hearing" and be
20 synonymous with that definition as it was used in the Juvenile
21 Court Act of 1987.

22 (14) "Shelter" means the temporary care of a minor in
23 physically unrestricting facilities pending court disposition
24 or execution of court order for placement.

25 (15) "Site" means a not-for-profit organization, public
26 body, church, charitable organization, or individual agreeing

1 to accept community service from offenders and to report on the
2 progress of ordered or required public or community service to
3 the court or to the authorized diversion program that has
4 referred the offender for public or community service.

5 (16) "Station adjustment" means the informal or formal
6 handling of an alleged offender by a juvenile police officer.

7 (17) "Trial" means a hearing to determine whether the
8 allegations of a petition under Section 5-520 that a minor is
9 delinquent are proved beyond a reasonable doubt. It is the
10 intent of the General Assembly that the term "trial" replace
11 the term "adjudicatory hearing" and be synonymous with that
12 definition as it was used in the Juvenile Court Act of 1987.

13 The changes made to this Section by this amendatory Act of
14 the 98th General Assembly apply to violations or attempted
15 violations committed on or after the effective date of this
16 amendatory Act.

17 (Source: P.A. 95-1031, eff. 1-1-10.)

18 (705 ILCS 405/5-120)

19 Sec. 5-120. Exclusive jurisdiction. Proceedings may be
20 instituted under the provisions of this Article concerning any
21 minor who ~~prior to the minor's 17th birthday has violated or~~
22 ~~attempted to violate, regardless of where the act occurred, any~~
23 ~~federal or State law or municipal or county ordinance, and any~~
24 ~~minor who~~ prior to his or her 18th birthday has violated or
25 attempted to violate, regardless of where the act occurred, any

1 federal, State, county or municipal law or ordinance ~~classified~~
2 ~~as a misdemeanor offense. If before trial or plea, an~~
3 ~~information or indictment is filed that includes one or more~~
4 ~~charges under the criminal laws of this State and additional~~
5 ~~charges that are classified as misdemeanors that are subject to~~
6 ~~proceedings under this Act, all of the charges arising out of~~
7 ~~the same incident shall be prosecuted under the criminal laws~~
8 ~~of this State. If after trial or plea the court finds that the~~
9 ~~minor committed an offense that is solely classified as a~~
10 ~~misdemeanor, the court must proceed under Section 5-705 and~~
11 ~~5-710 of this Act.~~ Except as provided in Sections 5-125, 5-130,
12 5-805, and 5-810 of this Article, no minor who was under 18 ~~17~~
13 years of age at the time of the alleged offense may be
14 prosecuted under the criminal laws of this State.

15 The changes made to this Section by this amendatory Act of
16 the 98th General Assembly apply to violations or attempted
17 violations committed on or after the effective date of this
18 amendatory Act.

19 (Source: P.A. 95-1031, eff. 1-1-10.)

20 (705 ILCS 405/5-905)

21 Sec. 5-905. Law enforcement records.

22 (1) Law Enforcement Records. Inspection and copying of law
23 enforcement records maintained by law enforcement agencies
24 that relate to a minor who has been arrested or taken into
25 custody before his or her 18th ~~17th~~ birthday shall be

1 restricted to the following and when necessary for the
2 discharge of their official duties:

3 (a) A judge of the circuit court and members of the
4 staff of the court designated by the judge;

5 (b) Law enforcement officers, probation officers or
6 prosecutors or their staff, or, when necessary for the
7 discharge of its official duties in connection with a
8 particular investigation of the conduct of a law
9 enforcement officer, an independent agency or its staff
10 created by ordinance and charged by a unit of local
11 government with the duty of investigating the conduct of
12 law enforcement officers;

13 (c) The minor, the minor's parents or legal guardian
14 and their attorneys, but only when the juvenile has been
15 charged with an offense;

16 (d) Adult and Juvenile Prisoner Review Boards;

17 (e) Authorized military personnel;

18 (f) Persons engaged in bona fide research, with the
19 permission of the judge of juvenile court and the chief
20 executive of the agency that prepared the particular
21 recording: provided that publication of such research
22 results in no disclosure of a minor's identity and protects
23 the confidentiality of the record;

24 (g) Individuals responsible for supervising or
25 providing temporary or permanent care and custody of minors
26 pursuant to orders of the juvenile court or directives from

1 officials of the Department of Children and Family Services
2 or the Department of Human Services who certify in writing
3 that the information will not be disclosed to any other
4 party except as provided under law or order of court;

5 (h) The appropriate school official only if the agency
6 or officer believes that there is an imminent threat of
7 physical harm to students, school personnel, or others who
8 are present in the school or on school grounds.

9 (A) Inspection and copying shall be limited to law
10 enforcement records transmitted to the appropriate
11 school official or officials whom the school has
12 determined to have a legitimate educational or safety
13 interest by a local law enforcement agency under a
14 reciprocal reporting system established and maintained
15 between the school district and the local law
16 enforcement agency under Section 10-20.14 of the
17 School Code concerning a minor enrolled in a school
18 within the school district who has been arrested or
19 taken into custody for any of the following offenses:

20 (i) any violation of Article 24 of the Criminal
21 Code of 1961 or the Criminal Code of 2012;

22 (ii) a violation of the Illinois Controlled
23 Substances Act;

24 (iii) a violation of the Cannabis Control Act;

25 (iv) a forcible felony as defined in Section
26 2-8 of the Criminal Code of 1961 or the Criminal

1 Code of 2012;

2 (v) a violation of the Methamphetamine Control
3 and Community Protection Act;

4 (vi) a violation of Section 1-2 of the
5 Harassing and Obscene Communications Act;

6 (vii) a violation of the Hazing Act; or

7 (viii) a violation of Section 12-1, 12-2,
8 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
9 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 The information derived from the law enforcement
12 records shall be kept separate from and shall not
13 become a part of the official school record of that
14 child and shall not be a public record. The information
15 shall be used solely by the appropriate school official
16 or officials whom the school has determined to have a
17 legitimate educational or safety interest to aid in the
18 proper rehabilitation of the child and to protect the
19 safety of students and employees in the school. If the
20 designated law enforcement and school officials deem
21 it to be in the best interest of the minor, the student
22 may be referred to in-school or community based social
23 services if those services are available.
24 "Rehabilitation services" may include interventions by
25 school support personnel, evaluation for eligibility
26 for special education, referrals to community-based

1 agencies such as youth services, behavioral healthcare
2 service providers, drug and alcohol prevention or
3 treatment programs, and other interventions as deemed
4 appropriate for the student.

5 (B) Any information provided to appropriate school
6 officials whom the school has determined to have a
7 legitimate educational or safety interest by local law
8 enforcement officials about a minor who is the subject
9 of a current police investigation that is directly
10 related to school safety shall consist of oral
11 information only, and not written law enforcement
12 records, and shall be used solely by the appropriate
13 school official or officials to protect the safety of
14 students and employees in the school and aid in the
15 proper rehabilitation of the child. The information
16 derived orally from the local law enforcement
17 officials shall be kept separate from and shall not
18 become a part of the official school record of the
19 child and shall not be a public record. This limitation
20 on the use of information about a minor who is the
21 subject of a current police investigation shall in no
22 way limit the use of this information by prosecutors in
23 pursuing criminal charges arising out of the
24 information disclosed during a police investigation of
25 the minor. For purposes of this paragraph,
26 "investigation" means an official systematic inquiry

1 by a law enforcement agency into actual or suspected
2 criminal activity;

3 (i) The president of a park district. Inspection and
4 copying shall be limited to law enforcement records
5 transmitted to the president of the park district by the
6 Illinois State Police under Section 8-23 of the Park
7 District Code or Section 16a-5 of the Chicago Park District
8 Act concerning a person who is seeking employment with that
9 park district and who has been adjudicated a juvenile
10 delinquent for any of the offenses listed in subsection (c)
11 of Section 8-23 of the Park District Code or subsection (c)
12 of Section 16a-5 of the Chicago Park District Act.

13 (2) Information identifying victims and alleged victims of
14 sex offenses, shall not be disclosed or open to public
15 inspection under any circumstances. Nothing in this Section
16 shall prohibit the victim or alleged victim of any sex offense
17 from voluntarily disclosing his or her identity.

18 (2.5) If the minor is a victim of aggravated battery,
19 battery, attempted first degree murder, or other non-sexual
20 violent offense, the identity of the victim may be disclosed to
21 appropriate school officials, for the purpose of preventing
22 foreseeable future violence involving minors, by a local law
23 enforcement agency pursuant to an agreement established
24 between the school district and a local law enforcement agency
25 subject to the approval by the presiding judge of the juvenile
26 court.

1 (3) Relevant information, reports and records shall be made
2 available to the Department of Juvenile Justice when a juvenile
3 offender has been placed in the custody of the Department of
4 Juvenile Justice.

5 (4) Nothing in this Section shall prohibit the inspection
6 or disclosure to victims and witnesses of photographs contained
7 in the records of law enforcement agencies when the inspection
8 or disclosure is conducted in the presence of a law enforcement
9 officer for purposes of identification or apprehension of any
10 person in the course of any criminal investigation or
11 prosecution.

12 (5) The records of law enforcement officers, or of an
13 independent agency created by ordinance and charged by a unit
14 of local government with the duty of investigating the conduct
15 of law enforcement officers, concerning all minors under 18 ~~17~~
16 years of age must be maintained separate from the records of
17 adults and may not be open to public inspection or their
18 contents disclosed to the public except by order of the court
19 or when the institution of criminal proceedings has been
20 permitted under Section 5-130 or 5-805 or required under
21 Section 5-130 or 5-805 or such a person has been convicted of a
22 crime and is the subject of pre-sentence investigation or when
23 provided by law.

24 (6) Except as otherwise provided in this subsection (6),
25 law enforcement officers, and personnel of an independent
26 agency created by ordinance and charged by a unit of local

1 government with the duty of investigating the conduct of law
2 enforcement officers, may not disclose the identity of any
3 minor in releasing information to the general public as to the
4 arrest, investigation or disposition of any case involving a
5 minor. Any victim or parent or legal guardian of a victim may
6 petition the court to disclose the name and address of the
7 minor and the minor's parents or legal guardian, or both. Upon
8 a finding by clear and convincing evidence that the disclosure
9 is either necessary for the victim to pursue a civil remedy
10 against the minor or the minor's parents or legal guardian, or
11 both, or to protect the victim's person or property from the
12 minor, then the court may order the disclosure of the
13 information to the victim or to the parent or legal guardian of
14 the victim only for the purpose of the victim pursuing a civil
15 remedy against the minor or the minor's parents or legal
16 guardian, or both, or to protect the victim's person or
17 property from the minor.

18 (7) Nothing contained in this Section shall prohibit law
19 enforcement agencies when acting in their official capacity
20 from communicating with each other by letter, memorandum,
21 teletype or intelligence alert bulletin or other means the
22 identity or other relevant information pertaining to a person
23 under 18 ~~17~~ years of age. The information provided under this
24 subsection (7) shall remain confidential and shall not be
25 publicly disclosed, except as otherwise allowed by law.

26 (8) No person shall disclose information under this Section

1 except when acting in his or her official capacity and as
2 provided by law or order of court.

3 The changes made to this Section by this amendatory Act of
4 the 98th General Assembly apply to law enforcement records of a
5 minor who has been arrested or taken into custody on or after
6 the effective date of this amendatory Act.

7 (Source: P.A. 96-419, eff. 8-13-09; 96-1414, eff. 1-1-11;
8 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13; 97-1150, eff.
9 1-25-13.)

10 (705 ILCS 405/5-915)

11 Sec. 5-915. Expungement of juvenile law enforcement and
12 court records.

13 (0.05) For purposes of this Section and Section 5-622:

14 "Expunge" means to physically destroy the records and
15 to obliterate the minor's name from any official index or
16 public record, or both. Nothing in this Act shall require
17 the physical destruction of the internal office records,
18 files, or databases maintained by a State's Attorney's
19 Office or other prosecutor.

20 "Law enforcement record" includes but is not limited to
21 records of arrest, station adjustments, fingerprints,
22 probation adjustments, the issuance of a notice to appear,
23 or any other records maintained by a law enforcement agency
24 relating to a minor suspected of committing an offense.

25 (1) Whenever any person has attained the age of 18 ~~17~~ or

1 whenever all juvenile court proceedings relating to that person
2 have been terminated, whichever is later, the person may
3 petition the court to expunge law enforcement records relating
4 to incidents occurring before his or her 18th ~~17th~~ birthday or
5 his or her juvenile court records, or both, but only in the
6 following circumstances:

7 (a) the minor was arrested and no petition for
8 delinquency was filed with the clerk of the circuit court;
9 or

10 (b) the minor was charged with an offense and was found
11 not delinquent of that offense; or

12 (c) the minor was placed under supervision pursuant to
13 Section 5-615, and the order of supervision has since been
14 successfully terminated; or

15 (d) the minor was adjudicated for an offense which
16 would be a Class B misdemeanor, Class C misdemeanor, or a
17 petty or business offense if committed by an adult.

18 (2) Any person may petition the court to expunge all law
19 enforcement records relating to any incidents occurring before
20 his or her 18th ~~17th~~ birthday which did not result in
21 proceedings in criminal court and all juvenile court records
22 with respect to any adjudications except those based upon first
23 degree murder and sex offenses which would be felonies if
24 committed by an adult, if the person for whom expungement is
25 sought has had no convictions for any crime since his or her
26 18th ~~17th~~ birthday and:

1 (a) has attained the age of 21 years; or

2 (b) 5 years have elapsed since all juvenile court
3 proceedings relating to him or her have been terminated or
4 his or her commitment to the Department of Juvenile Justice
5 pursuant to this Act has been terminated;

6 whichever is later of (a) or (b). Nothing in this Section 5-915
7 precludes a minor from obtaining expungement under Section
8 5-622.

9 (2.5) If a minor is arrested and no petition for
10 delinquency is filed with the clerk of the circuit court as
11 provided in paragraph (a) of subsection (1) at the time the
12 minor is released from custody, the youth officer, if
13 applicable, or other designated person from the arresting
14 agency, shall notify verbally and in writing to the minor or
15 the minor's parents or guardians that if the State's Attorney
16 does not file a petition for delinquency, the minor has a right
17 to petition to have his or her arrest record expunged when the
18 minor attains the age of 18 ~~17~~ or when all juvenile court
19 proceedings relating to that minor have been terminated and
20 that unless a petition to expunge is filed, the minor shall
21 have an arrest record and shall provide the minor and the
22 minor's parents or guardians with an expungement information
23 packet, including a petition to expunge juvenile records
24 obtained from the clerk of the circuit court.

25 (2.6) If a minor is charged with an offense and is found
26 not delinquent of that offense; or if a minor is placed under

1 supervision under Section 5-615, and the order of supervision
2 is successfully terminated; or if a minor is adjudicated for an
3 offense that would be a Class B misdemeanor, a Class C
4 misdemeanor, or a business or petty offense if committed by an
5 adult; or if a minor has incidents occurring before his or her
6 18th ~~17th~~ birthday that have not resulted in proceedings in
7 criminal court, or resulted in proceedings in juvenile court,
8 and the adjudications were not based upon first degree murder
9 or sex offenses that would be felonies if committed by an
10 adult; then at the time of sentencing or dismissal of the case,
11 the judge shall inform the delinquent minor of his or her right
12 to petition for expungement as provided by law, and the clerk
13 of the circuit court shall provide an expungement information
14 packet to the delinquent minor, written in plain language,
15 including a petition for expungement, a sample of a completed
16 petition, expungement instructions that shall include
17 information informing the minor that (i) once the case is
18 expunged, it shall be treated as if it never occurred, (ii) he
19 or she may apply to have petition fees waived, (iii) once he or
20 she obtains an expungement, he or she may not be required to
21 disclose that he or she had a juvenile record, and (iv) he or
22 she may file the petition on his or her own or with the
23 assistance of an attorney. The failure of the judge to inform
24 the delinquent minor of his or her right to petition for
25 expungement as provided by law does not create a substantive
26 right, nor is that failure grounds for: (i) a reversal of an

1 adjudication of delinquency, (ii) a new trial; or (iii) an
2 appeal.

3 (2.7) For counties with a population over 3,000,000, the
4 clerk of the circuit court shall send a "Notification of a
5 Possible Right to Expungement" post card to the minor at the
6 address last received by the clerk of the circuit court on the
7 date that the minor attains the age of 18 ~~17~~ based on the
8 birthdate provided to the court by the minor or his or her
9 guardian in cases under paragraphs (b), (c), and (d) of
10 subsection (1); and when the minor attains the age of 21 based
11 on the birthdate provided to the court by the minor or his or
12 her guardian in cases under subsection (2).

13 (2.8) The petition for expungement for subsection (1) shall
14 be substantially in the following form:

15 IN THE CIRCUIT COURT OF, ILLINOIS
16 JUDICIAL CIRCUIT

17 IN THE INTEREST OF) NO.
18)
19)
20)
21 (Name of Petitioner)

22 PETITION TO EXPUNGE JUVENILE RECORDS
23 (705 ILCS 405/5-915 (SUBSECTION 1))

24 (Please prepare a separate petition for each offense)

1 Now comes, petitioner, and respectfully requests
 2 that this Honorable Court enter an order expunging all juvenile
 3 law enforcement and court records of petitioner and in support
 4 thereof states that: Petitioner has attained the age of 18 ~~17~~,
 5 his/her birth date being, or all Juvenile Court
 6 proceedings terminated as of, whichever occurred later.
 7 Petitioner was arrested on by the Police
 8 Department for the offense of, and:

9 (Check One:)

10 () a. no petition was filed with the Clerk of the Circuit
 11 Court.

12 () b. was charged with and was found not delinquent of
 13 the offense.

14 () c. a petition was filed and the petition was dismissed
 15 without a finding of delinquency on

16 () d. on placed under supervision pursuant to Section
 17 5-615 of the Juvenile Court Act of 1987 and such order of
 18 supervision successfully terminated on

19 () e. was adjudicated for the offense, which would have been a
 20 Class B misdemeanor, a Class C misdemeanor, or a petty offense
 21 or business offense if committed by an adult.

22 Petitioner has has not been arrested on charges in
 23 this or any county other than the charges listed above. If
 24 petitioner has been arrested on additional charges, please list
 25 the charges below:

26 Charge(s):

1 Arresting Agency or Agencies:

2 Disposition/Result: (choose from a. through e., above):

3 WHEREFORE, the petitioner respectfully requests this Honorable
4 Court to (1) order all law enforcement agencies to expunge all
5 records of petitioner to this incident, and (2) to order the
6 Clerk of the Court to expunge all records concerning the
7 petitioner regarding this incident.

8

9 Petitioner (Signature)

10

11 Petitioner's Street Address

12

13 City, State, Zip Code

14

15 Petitioner's Telephone Number

16 Pursuant to the penalties of perjury under the Code of Civil
17 Procedure, 735 ILCS 5/1-109, I hereby certify that the
18 statements in this petition are true and correct, or on
19 information and belief I believe the same to be true.

20

1 Petitioner (Signature)

2 The Petition for Expungement for subsection (2) shall be
3 substantially in the following form:

4 IN THE CIRCUIT COURT OF, ILLINOIS
5 JUDICIAL CIRCUIT

6 IN THE INTEREST OF) NO.
7)
8)
9)
10 (Name of Petitioner)

11 PETITION TO EXPUNGE JUVENILE RECORDS
12 (705 ILCS 405/5-915 (SUBSECTION 2))

13 (Please prepare a separate petition for each offense)

14 Now comes, petitioner, and respectfully requests
15 that this Honorable Court enter an order expunging all Juvenile
16 Law Enforcement and Court records of petitioner and in support
17 thereof states that:

18 The incident for which the Petitioner seeks expungement
19 occurred before the Petitioner's 18th ~~17th~~ birthday and did not
20 result in proceedings in criminal court and the Petitioner has
21 not had any convictions for any crime since his/her 18th ~~17th~~
22 birthday; and

23 The incident for which the Petitioner seeks expungement

1 occurred before the Petitioner's 18th ~~17th~~ birthday and the
 2 adjudication was not based upon first-degree murder or sex
 3 offenses which would be felonies if committed by an adult, and
 4 the Petitioner has not had any convictions for any crime since
 5 his/her 18th ~~17th~~ birthday.

6 Petitioner was arrested on by the Police
 7 Department for the offense of, and:

8 (Check whichever one occurred the latest:)

9 () a. The Petitioner has attained the age of 21 years, his/her
 10 birthday being; or

11 () b. 5 years have elapsed since all juvenile court
 12 proceedings relating to the Petitioner have been terminated; or
 13 the Petitioner's commitment to the Department of Juvenile
 14 Justice pursuant to the expungement of juvenile law enforcement
 15 and court records provisions of the Juvenile Court Act of 1987
 16 has been terminated. Petitioner ...has ...has not been arrested
 17 on charges in this or any other county other than the charge
 18 listed above. If petitioner has been arrested on additional
 19 charges, please list the charges below:

20 Charge(s):

21 Arresting Agency or Agencies:

22 Disposition/Result: (choose from a or b, above):

23 WHEREFORE, the petitioner respectfully requests this Honorable
 24 Court to (1) order all law enforcement agencies to expunge all
 25 records of petitioner related to this incident, and (2) to
 26 order the Clerk of the Court to expunge all records concerning

1 the petitioner regarding this incident.

2
3

3 Petitioner (Signature)

4
5

5 Petitioner's Street Address

6
7

7 City, State, Zip Code

8
9

9 Petitioner's Telephone Number

10 Pursuant to the penalties of perjury under the Code of Civil
11 Procedure, 735 ILCS 5/1-109, I hereby certify that the
12 statements in this petition are true and correct, or on
13 information and belief I believe the same to be true.

14
15

15 Petitioner (Signature)

16 (3) The chief judge of the circuit in which an arrest was
17 made or a charge was brought or any judge of that circuit
18 designated by the chief judge may, upon verified petition of a
19 person who is the subject of an arrest or a juvenile court
20 proceeding under subsection (1) or (2) of this Section, order
21 the law enforcement records or official court file, or both, to
22 be expunged from the official records of the arresting

1 authority, the clerk of the circuit court and the Department of
2 State Police. The person whose records are to be expunged shall
3 petition the court using the appropriate form containing his or
4 her current address and shall promptly notify the clerk of the
5 circuit court of any change of address. Notice of the petition
6 shall be served upon the State's Attorney or prosecutor charged
7 with the duty of prosecuting the offense, the Department of
8 State Police, and the arresting agency or agencies by the clerk
9 of the circuit court. If an objection is filed within 45 days
10 of the notice of the petition, the clerk of the circuit court
11 shall set a date for hearing after the 45 day objection period.
12 At the hearing the court shall hear evidence on whether the
13 expungement should or should not be granted. Unless the State's
14 Attorney or prosecutor, the Department of State Police, or an
15 arresting agency objects to the expungement within 45 days of
16 the notice, the court may enter an order granting expungement.
17 The person whose records are to be expunged shall pay the clerk
18 of the circuit court a fee equivalent to the cost associated
19 with expungement of records by the clerk and the Department of
20 State Police. The clerk shall forward a certified copy of the
21 order to the Department of State Police, the appropriate
22 portion of the fee to the Department of State Police for
23 processing, and deliver a certified copy of the order to the
24 arresting agency.

25 (3.1) The Notice of Expungement shall be in substantially
26 the following form:

1 IN THE CIRCUIT COURT OF, ILLINOIS

2 JUDICIAL CIRCUIT

3 IN THE INTEREST OF) NO.

4)

5)

6)

7 (Name of Petitioner)

8 NOTICE

9 TO: State's Attorney

10 TO: Arresting Agency

11
12

13

14
15

16

17 TO: Illinois State Police

18
19

20
21

22 ATTENTION: Expungement

23 You are hereby notified that on, at, in courtroom

24 ..., located at ..., before the Honorable ..., Judge, or any

1 judge sitting in his/her stead, I shall then and there present
2 a Petition to Expunge Juvenile records in the above-entitled
3 matter, at which time and place you may appear.

4

5 Petitioner's Signature

6

7 Petitioner's Street Address

8

9 City, State, Zip Code

10

11 Petitioner's Telephone Number

12 PROOF OF SERVICE

13 On the day of, 20..., I on oath state that I
14 served this notice and true and correct copies of the
15 above-checked documents by:

16 (Check One:)

17 delivering copies personally to each entity to whom they are
18 directed;

19 or

20 by mailing copies to each entity to whom they are directed by
21 depositing the same in the U.S. Mail, proper postage fully
22 prepaid, before the hour of 5:00 p.m., at the United States
23 Postal Depository located at

24

25

26 Signature

1 Clerk of the Circuit Court or Deputy Clerk

2 Printed Name of Delinquent Minor/Petitioner:

3 Address:

4 Telephone Number:

5 (3.2) The Order of Expungement shall be in substantially
6 the following form:

7 IN THE CIRCUIT COURT OF, ILLINOIS

8 JUDICIAL CIRCUIT

9 IN THE INTEREST OF) NO.

10)

11)

12)

13 (Name of Petitioner)

14 DOB

15 Arresting Agency/Agencies

16 ORDER OF EXPUNGEMENT

17 (705 ILCS 405/5-915 (SUBSECTION 3))

18 This matter having been heard on the petitioner's motion and
19 the court being fully advised in the premises does find that
20 the petitioner is indigent or has presented reasonable cause to
21 waive all costs in this matter, IT IS HEREBY ORDERED that:

22 () 1. Clerk of Court and Department of State Police costs
23 are hereby waived in this matter.

24 () 2. The Illinois State Police Bureau of Identification

1 and the following law enforcement agencies expunge all records
2 of petitioner relating to an arrest dated for the
3 offense of

4 Law Enforcement Agencies:
5
6

7 () 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
8 Court expunge all records regarding the above-captioned case.

9 ENTER:

10

11 JUDGE

12 DATED:

13 Name:

14 Attorney for:

15 Address: City/State/Zip:

16 Attorney Number:

17 (3.3) The Notice of Objection shall be in substantially the
18 following form:

19 IN THE CIRCUIT COURT OF, ILLINOIS
20 JUDICIAL CIRCUIT

21 IN THE INTEREST OF) NO.

22)

23)

24)

25 (Name of Petitioner)

NOTICE OF OBJECTION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TO:(Attorney, Public Defender, Minor)

.....
.....

TO:(Illinois State Police)

.....
.....

TO:(Clerk of the Court)

.....
.....

TO:(Judge)

.....
.....

TO:(Arresting Agency/Agencies)

.....
.....

ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:

- () State's Attorney's Office;
- () Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
- () Department of Illinois State Police; or
- () Arresting Agency or Agencies.

The agency checked above respectfully requests that this case

1 be continued and set for hearing on whether the expungement
2 should or should not be granted.

3 DATED:

4 Name:

5 Attorney For:

6 Address:

7 City/State/Zip:

8 Telephone:

9 Attorney No.:

10 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

11 This matter has been set for hearing on the foregoing
12 objection, on in room, located at, before the
13 Honorable, Judge, or any judge sitting in his/her stead.
14 (Only one hearing shall be set, regardless of the number of
15 Notices of Objection received on the same case).

16 A copy of this completed Notice of Objection containing the
17 court date, time, and location, has been sent via regular U.S.
18 Mail to the following entities. (If more than one Notice of
19 Objection is received on the same case, each one must be
20 completed with the court date, time and location and mailed to
21 the following entities):

22 () Attorney, Public Defender or Minor;

23 () State's Attorney's Office;

24 () Prosecutor (other than State's Attorney's Office) charged
25 with the duty of prosecuting the offense sought to be expunged;

26 () Department of Illinois State Police; and

1 () Arresting agency or agencies.

2 Date:

3 Initials of Clerk completing this section:

4 (4) Upon entry of an order expunging records or files, the
5 offense, which the records or files concern shall be treated as
6 if it never occurred. Law enforcement officers and other public
7 offices and agencies shall properly reply on inquiry that no
8 record or file exists with respect to the person.

9 (5) Records which have not been expunged are sealed, and
10 may be obtained only under the provisions of Sections 5-901,
11 5-905 and 5-915.

12 (6) Nothing in this Section shall be construed to prohibit
13 the maintenance of information relating to an offense after
14 records or files concerning the offense have been expunged if
15 the information is kept in a manner that does not enable
16 identification of the offender. This information may only be
17 used for statistical and bona fide research purposes.

18 (7)(a) The State Appellate Defender shall establish,
19 maintain, and carry out, by December 31, 2004, a juvenile
20 expungement program to provide information and assistance to
21 minors eligible to have their juvenile records expunged.

22 (b) The State Appellate Defender shall develop brochures,
23 pamphlets, and other materials in printed form and through the
24 agency's World Wide Web site. The pamphlets and other materials
25 shall include at a minimum the following information:

26 (i) An explanation of the State's juvenile expungement

1 process;

2 (ii) The circumstances under which juvenile
3 expungement may occur;

4 (iii) The juvenile offenses that may be expunged;

5 (iv) The steps necessary to initiate and complete the
6 juvenile expungement process; and

7 (v) Directions on how to contact the State Appellate
8 Defender.

9 (c) The State Appellate Defender shall establish and
10 maintain a statewide toll-free telephone number that a person
11 may use to receive information or assistance concerning the
12 expungement of juvenile records. The State Appellate Defender
13 shall advertise the toll-free telephone number statewide. The
14 State Appellate Defender shall develop an expungement
15 information packet that may be sent to eligible persons seeking
16 expungement of their juvenile records, which may include, but
17 is not limited to, a pre-printed expungement petition with
18 instructions on how to complete the petition and a pamphlet
19 containing information that would assist individuals through
20 the juvenile expungement process.

21 (d) The State Appellate Defender shall compile a statewide
22 list of volunteer attorneys willing to assist eligible
23 individuals through the juvenile expungement process.

24 (e) This Section shall be implemented from funds
25 appropriated by the General Assembly to the State Appellate
26 Defender for this purpose. The State Appellate Defender shall

1 employ the necessary staff and adopt the necessary rules for
2 implementation of this Section.

3 (8) (a) Except with respect to law enforcement agencies, the
4 Department of Corrections, State's Attorneys, or other
5 prosecutors, an expunged juvenile record may not be considered
6 by any private or public entity in employment matters,
7 certification, licensing, revocation of certification or
8 licensure, or registration. Applications for employment must
9 contain specific language that states that the applicant is not
10 obligated to disclose expunged juvenile records of conviction
11 or arrest. Employers may not ask if an applicant has had a
12 juvenile record expunged. Effective January 1, 2005, the
13 Department of Labor shall develop a link on the Department's
14 website to inform employers that employers may not ask if an
15 applicant had a juvenile record expunged and that application
16 for employment must contain specific language that states that
17 the applicant is not obligated to disclose expunged juvenile
18 records of arrest or conviction.

19 (b) A person whose juvenile records have been expunged is
20 not entitled to remission of any fines, costs, or other money
21 paid as a consequence of expungement. This amendatory Act of
22 the 93rd General Assembly does not affect the right of the
23 victim of a crime to prosecute or defend a civil action for
24 damages.

25 (c) The expungement of juvenile records under Section 5-622
26 shall be funded by the additional fine imposed under Section

1 5-9-1.17 of the Unified Code of Corrections and additional
2 appropriations made by the General Assembly for such purpose.

3 The changes made to this Section by this amendatory Act of
4 the 98th General Assembly apply to law enforcement records of a
5 minor who has been arrested or taken into custody on or after
6 the effective date of this amendatory Act.

7 (Source: P.A. 95-861, eff. 1-1-09; 96-707, eff. 1-1-10.)